

APPEAL NO. 042906  
FILED DECEMBER 30, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 25, 2004. With regard to the only issue before her, the hearing officer determined that the appellant's (claimant) compensable injury of \_\_\_\_\_, "does not include an injury to the cervical spine, right shoulder and/or right wrist."

The claimant appeals, contending that the stipulation and one of the Findings of Fact included a right wrist injury and that the hearing officer's prehearing conversation with the respondent's (carrier) attorney biased the hearing officer's judgment. The file does not contain a response from the carrier.

DECISION

Affirmed as reformed.

The issue was whether the compensable injury included "an injury to the cervical spine, right shoulder and/or right elbow." The parties stipulated that the claimant "sustained a compensable injury to his right wrist and right knee on \_\_\_\_\_." Throughout the CCH the carrier clearly accepted a right wrist fracture and in Finding of Fact No. 5 the hearing officer found that the claimant failed to prove "an injury to his right shoulder, cervical spine and/or right elbow. . . ." However in the Conclusion of Law and Decision, the hearing officer recites that the compensable injury "does not include an injury to the cervical spine, right shoulder and/or right wrist." Our review of the record indicates that the decision contains a clerical error and instead of "right wrist," Conclusion of Law No. 3 and the Decision should say "right elbow." We reform the hearing officer's Decision and Order to say that the compensable injury sustained on \_\_\_\_\_, does not include an injury to the cervical spine, right shoulder and/or right elbow.

Our review of the record also indicates that the hearing officer's decision (as reformed) is supported by the evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. (Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986)). Our review also did not indicate that the hearing officer was biased against the claimant in reaching her decision.

The hearing officer's decision and order, as reformed, are affirmed.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Margaret L. Turner  
Appeals Judge